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Congress of the United States
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DEMOCRATIC STEERING COMMITTEE

August 25, 2004

Dr. Mark B. McClellan
Administrator, Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Dr. McClellan:

I am writing to you today to bring your attention to H.R. 4967, the Nursing Home Fire Safety Act of 2004. I recently introduced this bill to address the alarming lack of fire sprinkler systems in many of our nation's nursing homes.

As you know, the Government Accountability Office (GAO) recently released a report on nursing home fire safety which criticized federal oversight of nursing home fire safety standards as inadequate. The GAO found that of the 17,000 nursing homes nationwide, between twenty and thirty percent do not have an automatic sprinkler system. According to the report, "the substantial loss of life in the Hartford and Nashville fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems." The report also concluded that the lack of financial capital has prevented most of these nursing homes from being able to afford the cost of sprinkler installation.

According to the National Fire Protection Association, automatic fire sprinkler systems drastically improve the chances of survival of those unable to save themselves in a nursing home fire, such as the bedridden and disabled. Despite this fact, only twelve states currently require their nursing homes to have such systems. In addition, there is no national federal standard that requires older nursing homes to retrofit their facilities with sprinklers.

For too long, the absence of a national standard and the lack of financial capital to cover the costs of installing sprinkler systems have left too many of our nation's nursing homes susceptible to the risk of fire. With an estimated 97 percent of all nursing homes receiving federal funds through Medicare and Medicaid, the federal government has an inherent role and responsibility in ensuring the highest fire safety standards in these facilities.

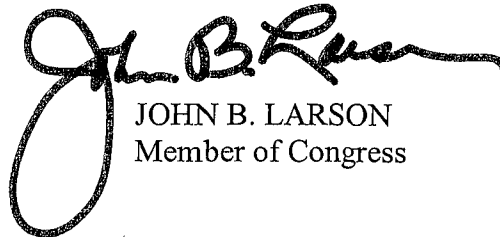
I commend you and your agency for the interim steps you have announced in response to the GAO report, including increasing fire inspections in nursing homes and requiring smoke detectors in resident rooms. However, like the nursing home industry and the 1.6 million nursing home residents nationwide, I believe that more must be done to prevent future nursing home fire tragedies.

To this end I recently introduced H.R. 4967, which would create a federal mandate requiring that all nursing homes participating in Medicare and Medicaid be equipped with automatic fire sprinklers within 5 years. In addition, under H.R. 4967, any nursing home that has to pay to install sprinklers to meet this new requirement would be fully reimbursed through either Medicare or Medicaid. These reimbursements would be for the total cost of installing a sprinkler system, and would in no way impact any payment, service or program already offered through either program.

Last year's fires in Hartford and Nashville demonstrate the terrible and unacceptable consequences of allowing nursing homes to go without life saving equipment. It is time to find a way to ensure that our nursing homes have the sprinkler systems they need to keep residents safe from fire. I would certainly welcome any comments or insights you might be willing to share with me about this initiative and this issue. Please feel free to contact me or Neil McKiernan on my staff at (202) 225-2265 should you have any questions.

Thank you for your attention to this matter. I look forward to working with you and my colleagues in Congress to address this crucial issue.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Larson". The signature is stylized with a large, looping initial "J" and a long, sweeping horizontal stroke at the end.

JOHN B. LARSON
Member of Congress